

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

THERESA ANN DOBBS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No.: 3:07-CV-1124-M
	§	
LUPE VALDEZ, in her official capacity	§	
as Sheriff of the COUNTY OF DALLAS,	§	
TEXAS,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION AND ORDER

Before the Court is the Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) of Defendant Lupe Valdez in her official capacity as Sheriff of Dallas County (“the Sheriff”), asserting that the claims of Plaintiff Theresa Ann Dobbs should be dismissed because the Sheriff is not the proper party in this action. For the reasons stated below, Defendant’s Motion is **DENIED**.

Plaintiff filed her Original Complaint against Defendant pursuant to 42 U.S.C. §1983 on June 22, 2007, naming as Defendant only Lupe Valdez in her official capacity as Sheriff of Dallas County. The Defendant argues that a suit against the Sheriff in her official capacity is improper because the real party in interest is Dallas County. Because a governmental officer in her official capacity may properly be named as defendant to a §1983 action, the Court finds that the Sheriff is a proper party. *See DiSalvo v. Bowles*, 2001 WL 705782 (N.D. Tex.); *Haggerty v. Bowles*, 2001 WL 182668 (N.D. Tex.). Dallas County need not be named as a defendant in order


to hold Sheriff Valdez liable in her official capacity.

The Sheriff also asserts that she has not yet been served with a summons in this action because process was incorrectly attempted at the wrong address. Fed. R. Civ. P. 4(m) requires a summons to be served on Defendant within 120 days of the date Plaintiff filed her Complaint. This deadline has not yet passed, and Plaintiff may still serve a summons on the Defendant at the correct address before October 22, 2007.

For the foregoing reasons, the Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6) filed by Sheriff Valdez is **DENIED**.

SO ORDERED.

DATED: August 27, 2007.



BARBARA M.G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS